



DOCKET NO. 2732.1016-029

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

In re Application of: Spiros Jamas, D. Davidson Easson, Jr. and Gary R. Ostroff

Application No. 10/719,432

Filed: November 21, 2003

Confirmation No.: 5697

For: UNDERIVATIZED, AQUEOUS SOLUBLE β (1,3) GLUCAN,
COMPOSITION AND METHOD OF MAKING SAME

The owner, Biopolymer Engineering, Inc. d/b/a Biothera of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,783,569. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

2/16/07
Date

Steven J. Karel
Signature

Steven J. Karel, Chief Technology and Operations Officer

Biopolymer Engineering, Inc. d/b/a Biothera

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STATEMENT UNDER 37 CFR § 3.73(b)Applicant/Patentee: Spiros Jamas, D. Davidson Easson, Jr. and Gary R. OstroffApplication No./Patent No.: 10/719,432 Filed/Issue Date: November 21, 2003For: UNDERIVATIZED, AQUEOUS SOLUBLE β (1,3) GLUCAN, COMPOSITION AND
METHOD OF MAKING SAMEBiopolymer Engineering, Inc. d/b/a Biothera

(Name of Assignee)

a corporation

Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with [] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 006309, Frames 0106-0109, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: [] To: []
The document was recorded in the United States Patent and Trademark Office at
Reel [], Frame [], or a copy thereof is attached.
2. From: [] To: []
The document was recorded in the United States Patent and Trademark Office at
Reel [], Frame [], or a copy thereof is attached.
3. From: [] To: []
The document was recorded in the United States Patent and Trademark Office at
Reel [], Frame [], or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Name: Steven J. KarelTitle: Chief Technology and Operations Officer

Date:

2/16/07